RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1639

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/540,392
Applicant : Beier MARKUS
Filed : June 23, 2005
TC/A.U. : 1639
Examiner : Teresa D. Wessendorf

Docket No. : 2923-714
Customer No. : 6449
Confirmation No.: 2991

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 14, 2008

Sir:

In the Office Action dated December 14, 2008, claims 18-19 and 22-23, in the above-identified U.S. patent application were rejected. Reconsideration of the rejections is respectfully requested in view of the above amendments and the following remarks. Claims 18-19 and 22-38 remain in this application, claims 1-17 have been canceled and claims 20 and 21 have been withdrawn.

Claims 18-19 and 22-38 were rejected under 35 USC §102(b) as anticipated by WO 0013018, WO 0289971 or WO 0232567. The office action requests that English language translations of these documents be submitted. Applicants point out that U.S. Patent No.7,097,974 is the national stage entry of WO 0013018, U.S. appln. serial no. 10/477,282 is the national stage entry of WO 02/89971 and U.S. appln. serial no. 10/399450 is the national stage entry of WO 02/32567. Applicants contend that none of the cited references

disclose the application of hapten groups to the carrier before, during or after the synthesis of the receptors. The hapten groups are an integral part of the present invention. The hapten can be used to determine the quality of the carrier derivatization and to determine whether the carrier can be used for later receptor synthesis. In addition, the hapten can be applied in a planar fashion to the complete carrier surface. After receptor synthesis is carried out, the surface of the carrier can be stained with the hapten binding partner. No staining will occur in zones where receptor synthesis has successfully taken place. The haptens can also be inserted into the receptors as they are synthesized on the carrier. The efficiency of the receptor synthesis can be controlled via the number of hapten groups inserted into a zone. The haptens can be inserted reversibly or irreversibly. Reversible insertion permits removal at defined times so that analyte binding to the receptor is not impaired. The haptens can also be incorporated into a spacer assembly so that the hapten will not interfere with receptor synthesis or analyte determination. Applicants point out page 8, second paragraph in the present application which discusses some of the advantages of the present application, including the control of the derivatization of the carrier via the staining of the hapten binding partners. In contrast, in Stahler I, Stahler II and Stahler III, haptens are not used in the synthesis of the receptors and the quality and efficiency of the receptor synthesis cannot be easily determined or controlled. In view of the fact that none of the cited prior art discloses that using haptens when preparing a carrier for the determination of analytes allows the receptor synthesis to be controlled and evaluated, applicants contend that none of these references anticipate the presently claimed invention and request that this rejection be withdrawn.

Applicants respectfully submit that all of claims 18-19 and 22-38 are now in condition for allowance. If it is believed that the application is not in condition for allowance, it is respectfully requested that the undersigned attorney be contacted at the telephone number below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fee for such an extension together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account No. 02-2135.

Respectfully submitted,

By 

Monica Chin Kitts
Attorney for Applicant
Registration No. 36,105
ROTHWELL, FIGG, ERNST & MANBECK
1425 K. Street, Suite 800
Washington, D.C. 20005
Telephone: (202) 783-6040

MCK/cb